



**Isle of Man
Government**

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Department of Education and Children
Rheynn Ynsee as Paitchyn

Guidance Notes on the Department's Appeals Procedure

**For appeals against Suspension, Admission to a School
Outside of Catchment Area, Transport of Pupils with
Special Educational Needs.**

September 2004 (updated Oct 2011)

Guidance Notes on the procedure for the Conduct of Appeal Hearings by a panel of Education Council Members appointed by the Department to hear appeals for Admission to a School, against a Suspension or Transport Request Refusal

Before the Hearing

1. The time, date and venue for the hearing will be arranged by the Department.
2. All parties to the appeal will be asked to provide a written submission of their case.
3. If any of the parties wishes to be accompanied by another person as a friend or adviser they may do so, but each of the parties is expected to present their own case and answer any questions put to them. There is no requirement for either of the parties to attend if the parties involved are content that their written submission is sufficient.
4. If any of the parties wish to call another person as a witness to attend the hearing they may do so and make arrangements for that person to attend the part of the hearing in which they give their evidence and leave the hearing immediately thereafter.
5. During the appeal hearing meeting if new evidence not previously disclosed or shared prior to the hearing is presented, any of the parties may request an adjournment whilst the new evidence is considered by the other parties. It is in the interests of everyone that any such adjournment is avoided and, if one is requested, that it should only be for a short period of time.

Starting the Hearing

6. At the beginning of the appeal hearing the Chair of the Panel will make introductions of the various parties and remind the meeting of what decision had previously been taken. The Chief Executive Officer or his representative will outline the procedure for the conduct of the meeting.

Presentation of Case

7. After this the case for the appellant will be made and any witnesses called.
8. At the conclusion of this presentation any of the parties to the appeal, the Panel and the Chief Executive Officer or his representative may ask questions of the appellant and of any witnesses before they withdraw.
9. After the case for the appellant has been made the case for the school will be presented and any witnesses may be called.
10. Following this presentation, again any questions may be asked and afterwards witnesses will withdraw.
11. In the case of an appeal for an admission, the case for the Department will be presented by one of its officers, who may call witnesses.
12. Following this presentation, again questions may be asked and afterwards witnesses will withdraw.

Re-Examination

13. Following the presentation of cases all parties to the appeal will be asked if they wish to re-examine any of the evidence by asking questions of the others.

Final Statement

14. All parties to the appeal will then be asked if they wish to make a final statement, which should summarise their case already presented.

Consideration of the Case

15. All parties to the hearing will then be asked to withdraw so that the case can be considered by the Panel with the Chief Executive Officer or his representative advising on legal or procedural matters.
16. If it is necessary to recall either party or witnesses in order to resolve any points of uncertainty, all parties to the appeal will be recalled notwithstanding the fact that only one may be concerned with the point giving rise to doubt.

Decision

17. After the case has been considered the decision will, if possible, be given orally immediately after the hearing but, in any case, such decision will be confirmed in writing within seven calendar days of the hearing, with copies being sent to all those who have attended the hearing.
18. The decision of the panel is final.

**The information in this document can be provided in large print
or in audio format on request.**